



Consultation, IA <consultation@bia.gov>

Re: Assistant Secretary Kevin Washburn June 21, 2013- To incorporate-New Standards within a more Defined- Core Criteria Standards- for "Reaffirmation' Within OFA-CFR Part 83.

1 message

leopergson@aol.com <leopergson@aol.com>
To: Consultation@bia.gov

Mon, Jul 8, 2013 at 3:32 PM

July 5, 2013-

**Leo W Pergson, The Elected Chief Representative of the
Su-Quah-Natch-Ah Band of Mississippi Choctaw.
C/O L Pergson 600 N Humboldt Av- #128 Willows CA 95988
(530) 934-3740- LeoPergson@Aol.Com-**

Re;

**Assistant Secretary Kevin Washburn Announces Consideration of Revisions to Office of Federal Acknowledgement Regulations"-Was released June 21, 2013...The discussion draft maintains stringent standards for core criteria and seeks comment on objective criteria to be incorporated into the standards. The draft suggests changes to improve timeliness and efficiency by providing for a thorough review of a petitioner's community and political authority. That review would begin with the year 1900 to 1934 to align with the United States repudiation of allotment and assimilation policies and eliminate the requirement that an external entity identify the group as Indians since 1900. The discussion draft further suggests providing flexibility to the Department to issue expediated denials and approvals based upon particular facts and unique history of certain petitioners. The draft suggests streamlining the process to promote greater transparency as a petitioner's materials are evaluated by the Office of Federal Acknowledgement and the Department. The discussion draft can be seen at <http://www.bia.gov/WhoWeAre/AS-IA/Consultation/index.htm>. Consultation 7/25/13 9AM-12Noon at Solvang, California-Hotel Corque 400 Alisal Road-Solvang, CA. (800)624-5572.
Consultation@bia.gov;**

**On Mon, Jun 24, 2013 at 8:42 PM, leopergson@aol.com:
Office of Federal Acknowledgment (OFA)**

Dear Mr. Washburn,

In past letters to your Office Re; "Reaffirmation" of Su-Quah-Natch-Ah Band Choctaw- As a Mississippi Band Choctaw never "Terminated" by Congress- I would like to present my Choctaw Tribe and Myself, Leo W Pergson As the Elected Chief Representative of the Su-Quah-Natch-Ah Band of Mississippi Choctaw- OFA- CFR- Title 25 Petition of Sept 2003-

Our Su-Quah-Natch-Ah Choctaw Band takes great interest and appreciation in reflecting within "The discussion draft for maintaining a more stringent standards for core criteria and seeks comment on objective criteria to be incorporated into the standards"

Mr.Washburn,

Spanning back over the CFR- Part 83- #276- Past Eight Petitioning Years as a Choctaw Tribe we have become well familiar with,

Only to Familiarize Our Choctaw Tribal Position within Office of Federal Acknowledgment (OFA) within the Office of the Assistant Secretary - Indian Affairs of the Department of the Interior (DOI) implements Part 83 of Title 25 of the Code of Federal Regulations, Procedures for Establishing that an American Indian Group Exists as an Indian Tribe. The acknowledgment process is the Department's administrative process by which petitioning groups that meet certain CFR-Part 83- criteria are "acknowledged" as Indian tribes and their members become eligible to receive services provided to members of federally recognized Indian tribes.

The acknowledgment regulations are the result of a rulemaking process that included notice and extensive public comment.

"Assistant Secretary- Kevin Washburn Announces Consideration of Revisions to Federal Acknowledgement Regulations"-Was released June 21, 2013...The discussion draft maintains stringent standards for core criteria and seeks comment on objective criteria to be incorporated into the standards. The draft suggests changes to improve timeliness and efficiency by providing for a thorough review of a petitioner's community and political authority. That review would begin with the year 1934 to align with the United States repudiation of allotment and assimilation policies and eliminate the requirement that an external entity identify the group as Indians since 1900. The discussion draft further suggests providing flexibility to the Department to issue expedited denials and approvals based upon particular facts and unique history of certain petitioners. The draft suggests streamlining the process to promote greater transparency as a petitioner's materials

are evaluated by the Office of Federal Acknowledgement and the Department.

Dear Assistant Secretary- Kevin Washburn,

This draft suggests changes to improve timeliness and efficiency by providing for a thorough review of a petitioner's community and political authority.that would provide for a more Transparent CFR- Part 83, Process and assist in providing for a more flexibility external entity that would assist Department to provide for a more expediated fair across the board within the OFA- Office of Indian Affairs in a more timely final decisions within efficiency for providing for a more thorough standards for the review of a petitioner' final denials and approval decisions.

Firstly- By Court of Appeals, Dist. of Columbia - 2003 - Cited by 86 - Related articles under 25 C.F.R. Part 83. 3. Mashpee in its quest for federal recognition began in the 1970s, when it first notified the BIA of its intent to seek recognition.

Mr. Washburn- Beginning back in Sept 2003, when we first began our quest back- within the OFA- CFR- Part 83 Process, We eventually Established ourselves- With very little assistance by OFA- Office of Federal Acknowledgment Assistance in the past nine years of researching in great financial costs- and in great efforts to establish our Choctaw Group to Reform-Readjust- seeking "Reaffirmation" as Su-Quah-Natch-Ah Band of Choctaw. As the Elected Chief Representative of the Su-Quah-Natch-Ah Band of Choctaw established under House of Representative Recognized under HR-46- Aug 5, 1846- Distribution of Choctaw Lands under Choctaw Act 1842- Choctaw Scrip (5 Stat 513) "An Act to provide for the Satisfaction of Mississippi Choctaw Reservation Lands- It's very important to review each and every "Individual" Petitioning Group Within FAP- Time line process when the OFA- CFR-Part 83- first began establishing from the first beginning of the Disbursement Assimilation would begin with the year 1934 to align with the United States repudiation of allotment and assimilation policies.

Under the current OFA- Part 83 Process It's important to establish whether a Group of American Indians within a specific Date and Time-Line- Today 2013- as opposed to 1900- 1934- that would set re-define new guideline margins- that would streamline a more timely effective process when making Department of Interior Decisions- for Tribes seeking "Reaffirmation" and whether or not a Tribe Group falls specifically under the "Reaffirmation" Process establishing Tribe that

Fit that the certain Criteria- Because- as a Historical Mississippi Choctaw Tribe seeking a more defined "Reaffirmation" as opposed to criteria not provided for under- the OFA- CFR- Part 83- Certainly is an important process that provides for more overall "Transparency" review process that will provide, establish whether or not a Petitioning Group has to be fully exhausted- CFR- Part 83 Process before the Department of Interior can establish whether or not a petitioning Group can resolve the argument that provides for the Department enough Criteria that would clearly establish under CFR Part 83- that Tribe deserves to be considered under CFR Part 83.8 "Reaffirmation" for Tribal entities never Terminated by Congress- a "Distinct and Separate Process under CFR- Title 25" that would allow certain Tribes a more "Fair Across The Board" in order to provide and expedite a petitioner who meets certain criteria for CFR-Title 25- "Reaffirmation" and on a more reasonable and "Time Costly Manner".

Mr Washburn, The whole Subject matter here: CFR- Part 83, Process and assist in providing for a more flexibility external entity that would assist Department to provide for a more expediated fair across the board within the OFA- Office of Indian Affairs in a more timely final decisions within efficiency for providing for a more thorough standards for the review of a petitioner' final denials and approval decisions.

In order to provide the Department of Interior enough criteria that would establish whether or not a Tribe has established enough criteria that would meet the OFA- Part 83- Standards establishing enough Review Criteria to be Recognized under CFR- Title 25 Guidelines- to review Criteria allowing a Tribe to be Considered under "Reaffirmation" making final decisions within efficiency for providing for a more thorough standards for the review of a petitioner', in the whole crux matter matter, is that the OFA- CFR- Part 83- Standards for establishing whether or not a Tribe "Fits"- or Meets certain criteria established under CFR- Part 83- That would provide for certain standards for a petitioner' seeking "Reaffirmation"

Our Su-Quah-Natch-Ah Choctaw Tribe Fully agrees that the CFR- Part 83, process is "Broken" but we also agree without any outside Tribal format in which to give opportunity for providing for a more thorough standards for the review of a petitioner' Consideration of Revisions to Federal Acknowledgement Regulations" for tribes seeking "Reaffirmation" that certainly should be in it's entirety- given every opportunity to provide for a more thorough OFA- CFR Part 83, Review Process Criteria Defining "Reaffirmation" outside the stringent guidelines of CFR-Part 83.

Secondly, The BIA- Department of Interior Historical timelines of five to thirty years for a Tribe to receive any requested Federal/National Analysis for a Petitioning Tribe to work in harmony with the Department in order to establish these Federal/National Criteria providing Petitioning groups with any or delinquent criteria that would assist within the Department to make final Decisions on a more stringent established OFA- Part 83- guidelines otherwise any FAP- OFA- CFR Part 83, Timelines would be irrelevant unless the Department- Recognizes Important Relevant Review Criteria the Petitioning Tribes have currently within a timely manner have submitted to the Department. When the Department of Interior- Denies or Refuses to make Petitioning decisions, the other alternative is Interior Board of Indian Appeals (IBIA) Documents: The IBIA is an appeals court within the Department of the Interior to which, under 25 CFR 83, petitioners or interested parties may appeal decisions by the Assistant Secretary - Indian Affairs- Which only defeats and demonstrates further, that in order for the "Department to review and expedite a Tribal petitioners criteria, the Department must provide a more expediated fair across the board review within the OFA- Office of Indian Affairs in a more timely final decisions process within clear and complete efficiency- Unless there is clear transparency of a tribes failure to provide clear evidence that a tribe has presented proof that a tribe has existed from historical times, then Clearly the IBIA Process only prolongs the Original intent whereby the OFA CFR Part 83 clearly fails to provide necessary tribal analysis- whereby the OFA- CFR Title 25 petitioner clearly has no timely understanding whether or not the OFA Part 83 has been reviewed and exhausted within OFA- Process, and how the Department of Interior OFA- Process was originally intended to review and make such final decisions"

In order for a petitioner to "Provide any thorough standards for the review criteria and seeks comment on objective criteria to be incorporated into the standards" it is important to provide any petitioner or interested party that has been well established for more that any unreasonable final decision timeline in which the Department has clearly refused or neglected to review or provide any Fair/ Federal/National Analysis within the many thousands of pages of OFA- CFR Title 25, in order to establish and define within any "Definite- Established Guidelines" within exact fair across the board OFA CFR- Title 25, Part 83, in order to review or assist any OFA Petitioners within a reasonable timeline- Seeking Federal Acknowledgment through a more well defined Criteria for tribes never Terminated by Congress Seeking "Reaffirmation" as opposed to Tribes confined within the CFR-Part 83-Federal Guidelines. That being said-

As a Mississippi Choctaw Tribe currently seeking "Reaffirmation" and to provide a more input within a more reasonable OFA- CFR- Part 83 Process- Provisions needs a more OFA- CFR Part 83, Federal Mandated Process- that would provide a "New" CFR Part 83, Guidelines- within a more OFA- CFR Part 83, Re- Structure Review Process Providing the Petitioning Criteria Specifically for Existing or New CFR Title 25 Petitioners Packets and to re-structure-re-consider a better Mandated "Fair Across the Board Timeline" OFA CFR Title 25 Guidelines- within any Existing Petitioner. Providing Reasonable timeline and diligence within the OFA- Department of Interior to review restructure new OFA CFR Part 83, Guidelines that would allow any Petitioning Tribe group that can provide any Federal/National review material that would provide any "Indian Territory" within any Political Influence or Outside Authority- for establishing a more uniform structured guidelines within determining that an American Indian Tribal Group has existed as an Indian Tribe- Despite any Disbursement- Assimilation but yet still maintained and can provide the OFA- Complete Review material that well defines "Tribal Identity" that can provide and establish within any Historical Indian Tribal Group Affiliations- up to and including any fair timeline irrespective of whether a Tribe dates back to the CFR- Part 83 the year of 1900- or 1934 Tribes Established prior or subsequent to that said date within a CFR- Part 83, Process that would assist the Department in "providing for a more flexibility external entity that would assist the Department to provide for a more expediated fair across the board within the CFR-Part 83, Process within the Department of Interior Office of Indian Affairs"

Similarly-

The Lower Lake Tribe of California- and the Tejon Tribe of California- Both Regaining federal status recognition through "Reaffirmation" Process- by then Acting Assistant Secretary Kevin Gover-

Tejon Tribe Tribal Recognition Process at the Bureau of Indian Affairs Restoring Tejon Indian identity from potentially losing Permanent- Federal standing Status as a Tribe never Terminated by Congress-

These issues are all important when speaking on a CFR- Part 83 Department of Interior Criteria- "Reaffirmation" That has no clear defined criteria that would allow Tribes Never Terminated by Congress- to seek any other avenues other than CFR-Part 83- having no provision for Tribes having current Historical Standing "Identity" CFR Part 83- that clearly predates Tribes seeking Recognition by "Reaffirmation" up to these years of 1900- 1934- back prior to the CFR- Part 83- Tribes that has for years exhausted CFR- Part 83- and are Seeking Criteria Definition for Federal Recognition by "Reaffirmation"

Mr. Washburn,

A New Defined "Reaffirmation" Criteria- would provide a "New" CFR Part 83, "Reaffirmation" Guidelines that would allow Tribes Never Terminated by Congress seeking other avenues in the same long term situation as our Mississippi Choctaw Su-Quah-Natch-Ah Choctaw Band-

As I represent our Tribe Su-Quah-Natch-Ah- Band of Choctaw- Recognized on many levels of Government to Government Relationship with the United States- Our Choctaw Ancestors Born and continued Living in Carroll County Mississippi- Choctaw Ancestors Claiming under the 14th Article 1830 Treaty of Dancing Rabbit Creek- Living and deceased on Mississippi Choctaw Territory- Lands and under Su-Quah-Natch-Ah Band of Choctaw under Aug 5, 1846- HR-46- House of Representatives- Government Scrip Lands- and in 1887- whereby our Mississippi Choctaw Ancestors as a Choctaw group assimilated in the I.T. Indian Territories of Pushmataha- Finley- Kiamitia- Choctaw Ancestors living and Deceased as Citizens in the Choctaw Nation- Oklahoma Nation and again in Dec- 1902- Dawes Commission Muskogee Oklahoma again Claiming under the 14th Article 1830 Treaty of Dancing Rabbit Creek-

Mr. Washburn, To Clarify Specifically,

- **Although Our Su-Quah-Natch-Ah Choctaw Band falls well within the "Discussion draft that maintains stringent standards for core criteria and seeking comment on a more objective criteria to be incorporated" into the CFR- Part 83- Criteria standards" whereby our Choctaw seeking Federal Recognition under a more Defined CFR Part 83- Criteria that Defines- "Reaffirmation" as a Choctaw Group "Identified" as Su-Quah-Natch-Ah Band Choctaw- Never Terminated By Congress- with no clear CFR- Part 83- "Core Criteria" that Clearly Defines a more "Formalized Reaffirmation" Pathway- Other than specific Recognition Guidelines under CFR- Part 83-**

Mr. Washburn, we Su-Quah-Natch-Ah Band Choctaw, thank you for this opportunity to weigh in on CFR- Title 25- Part 83, present our views on "Reaffirmation"Criteria, providing for a more stringent and thorough review of a petitioner's community and political authority over past CFR- Title 25 Petitioners and we certainly look forward to your timely reply.

Thank you,

Sincerely;

Leo W Pergson, The Elected Chief Representative of the Su-Quah-Natch-Ah Band of Mississippi Choctaw.

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July 5, 2013-